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ANNEXATION FEASIBILITY STUDY
REVISION

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MAGGIE VALLEY
NORTH CAROLINA

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OCTOBER, 1980

ANNEXATION FEASIBILITY STUDY REVISION
MAGGIE VALLEY, NORTH CAROLINA

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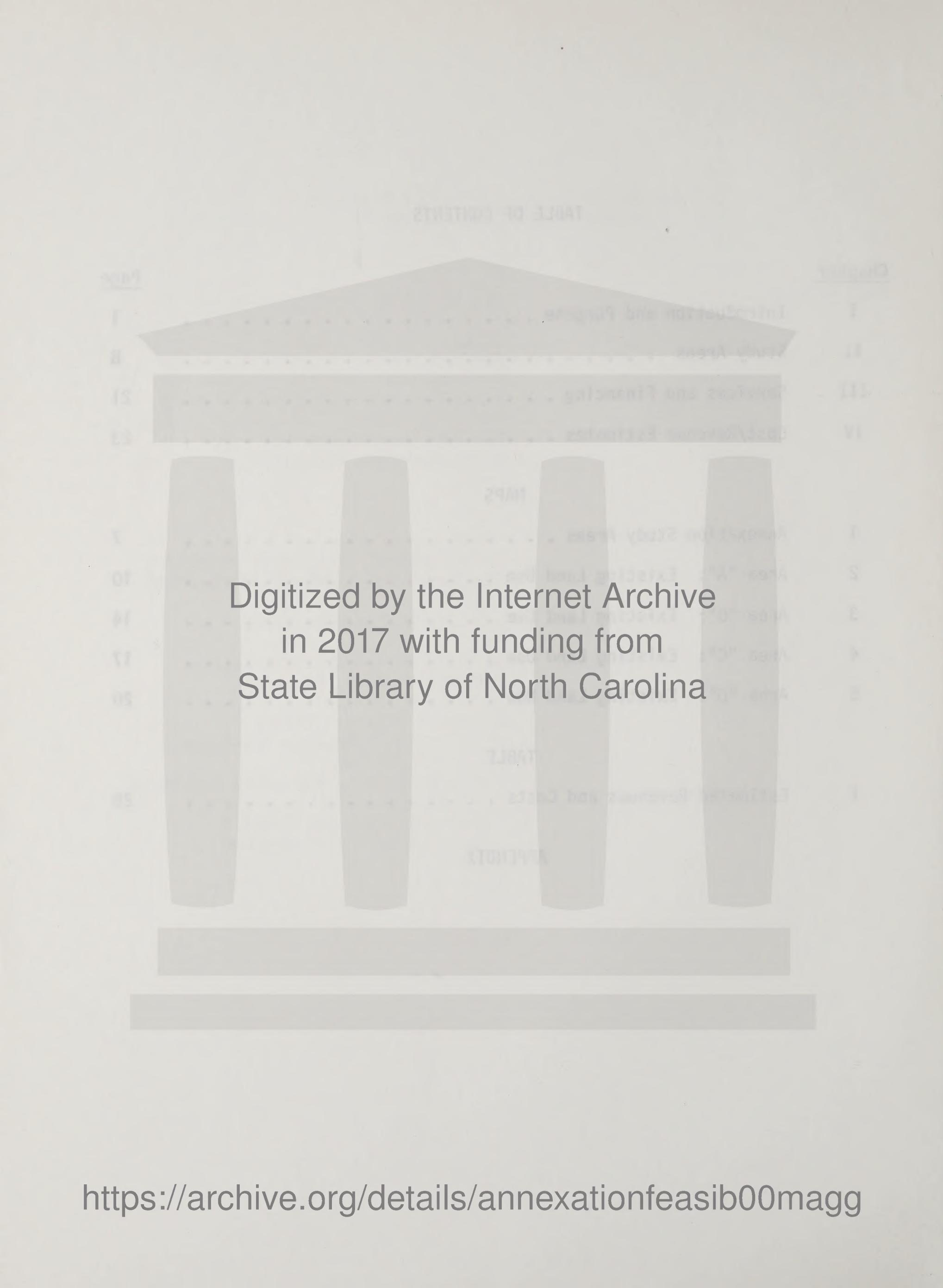
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October, 1980

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CHAPTER I

INTRODUCTION AND PURPOSE

Annexation is the procedure whereby a municipality may extend its corporate limits to include additional land which in most cases is "urban in character". Most development in North Carolina is occurring outside the present corporate limits of most municipalities in an area commonly referred to as the "urban fringe". Recognizing this trend, the North Carolina General Assembly has stated its belief that whatever is urban in character should also be municipal. The following is the policy of the State of North Carolina regarding annexation:

§ 160A-33. Declaration of policy.--It is hereby declared as a matter of State policy:

1. That sound urban development is essential to the continued economic development of North Carolina;
2. That municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and welfare in areas being intensively used for residential, commercial, industrial, institutional and government purposes or in areas undergoing such development;
3. That municipal boundaries should be extended, in accordance with legislative standards applicable throughout the State, to include such areas and to provide the high quality of governmental services needed therein for the public health, safety and welfare; and
4. That new urban development in and around municipalities having a population of less than 5000 persons tends to be concentrated close to the municipal boundary rather than being scattered and dispersed as in the vicinity of larger municipalities, so that the legislative standards governing annexation by smaller municipalities can be simpler than those for large municipalities and still attain the objectives set forth in this section;
5. That areas annexed to municipalities in accordance with such uniform legislative standards should receive the services provided by the annexing municipality as soon as possible following annexation. (1959, c. 1010, s. 1; 1973, c. 426, s. 74).

Consequently, the General Assembly granted municipalities rather liberal procedures by which they may extend their corporate limits to include much of the areas developed for urban purposes.

Most municipalities in North Carolina may annex contiguous areas by any one of three methods. These are (1) action by the General Assembly, (2) the 100 percent petition procedure, and (3) by the authority granted to municipalities by Chapter 160A, Article 4A, Part 2 (for municipalities under 5000 population) or Part 3 (for municipalities of 5000 or more).*

1. Action by the General Assembly. The General Assembly may at any time enlarge the boundaries of a municipality by special act. The method is available to all municipalities unless its charter specifies otherwise. When this method is employed, a resolution is passed by the local governing body requesting its representative(s) in the General Assembly to introduce the annexation act. If approved by the General Assembly, the act may impose certain conditions on the municipality before the act is made effective.
2. The 100 Percent Petition Procedure. "The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area". (G.S. 160A-31). The procedure involves a public hearing and a finding that the petition and the area meet the requirements of G.S. 160A-31.

*Several municipalities, through local acts in the General Assembly, are exempt from this Article, and thus come under an earlier statute in effect prior to enactment of this Article. See General Statutes for more detail.

3. By the Authority Granted Municipalities by Chapter 160A, Article 4A of the General Statutes of North Carolina. The General Assembly has provided slightly different methods under this procedure for municipalities under 5000 population as recorded by the last federal census as opposed to those municipalities 5000 and over in population. Since Maggie Valley's population is less than 5000, the procedure for municipalities of this size group will be discussed. The following requirements must be met:

- a. The area to be annexed must be contiguous to the municipality's corporate limits;
- b. At least one-eighth of the total boundary of the area must coincide with the municipal boundary;
- c. No part of the area may be within another municipality;
- d. The area must be developed for urban purposes. For municipalities under 5000 population, an area developed for urban purposes is defined as any area which is so developed that at least sixty percent of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, institutional or governmental purposes, consists of lots and tracts five acres or less in size; and
- e. New municipal boundaries must follow natural topographic features wherever practical, and if a street is used for a boundary it shall include developed land on both sides of the street.

Under this last method, the municipality is required to make plans for the extension of services to the area proposed to be annexed, prior to a public

hearing. These plans shall include:

1. Maps showing present and proposed boundaries of the municipality, and the proposed extension of water and sewer outfalls to serve the annexed areas.
2. A statement showing that the area to be annexed meets the requirements of the General Statutes.
3. A statement setting forth plans for extending other municipal services into the area, and the method the municipality will use to finance these services.

As prescribed in its charter, the Town of Maggie Valley may not annex by method three discussed above. Recognizing this limiting factor, the Town intends to petition the 1981 General Assembly for a change in the charter so the Town may be afforded the same annexation privileges under method three as other North Carolina municipalities. Because of these intentions, this report will qualify the study areas based on method three above.

Advantages of Annexation

Property owners in areas proposed for annexation often react negatively to such action because they feel annexation offers no advantages for them. On the contrary, annexation offers numerous advantages both for the property owners and the municipality. Following are some of the advantages to property owners:

1. Police Protection. More concentrated protection would be provided by Maggie Valley. The Haywood County Sheriff's Department now provides police protection to unincorporated areas of Haywood County.
2. Street Lighting. Areas annexed by Maggie Valley will be provided with street lights which help prevent crime and accidents.
3. Right to Vote. Residents in the areas that are annexed by Maggie Valley will have the opportunity to vote in the Town elections and

hold Town office. Often, the Town Board of Aldermen make decisions which affect those who reside outside the town limits. Yet, those affected have no voice in the election of this governing body.

4. Tax Exemption. Real and personal property taxes are an allowable exemption on both the State and Federal income tax forms.

Following are some of the advantages of annexation for the Town of Maggie Valley.

1. Increased Revenue. The property tax levy and increased sales tax would provide the two largest sources of new revenue if the proposed areas are annexed. Such revenues as franchise taxes, intangible taxes and Powell Bill funds are collected by the State and returned to municipalities. Intangible taxes are based on the ad valorem taxes levied in the preceding fiscal year. The distribution of franchise taxes to the municipalities is based on the gross receipts from sales. Powell Bill funds are based on a combination of local street mileage and population.
2. Increased Tax Base. The new real and personal property would increase the assessed tax valuation for Maggie Valley. This would increase the Town's debt limit and enable it to expand its services and facilities.
3. Increased Population. The increased population would enhance Maggie Valley's desirability as a site for new commercial and industrial expansion and support new levels of community services. Increased population would also enhance the Town's ability to compete for various funding programs from State and Federal agencies.

Goals

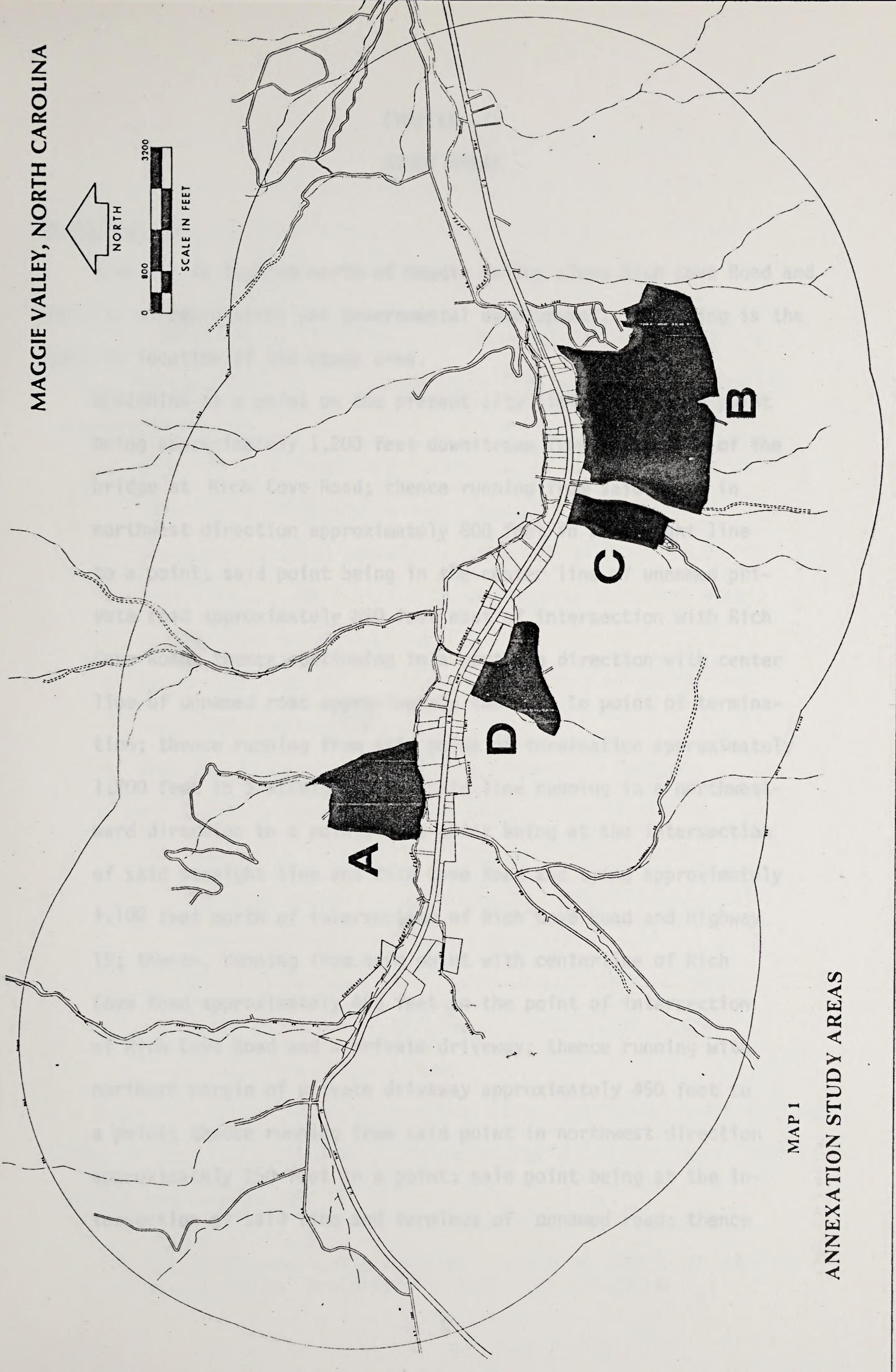
The annexation study has two primary goals:

1. To determine what areas, if any, can be proposed for annexation and

can meet the statutory requirements of the State of North Carolina;
and

2. To determine the feasibility, from an economic viewpoint, for the Town of Maggie Valley to annex any areas which are found to meet the statutory requirements referred to in 1 above. If the cost of providing municipal services to the annexed areas is too great, relative to new revenue brought in, the proposed area may need to be reduced in size or eliminated.

MAGGIE VALLEY, NORTH CAROLINA



MAP 1

ANNEXATION STUDY AREAS

CHAPTER II

STUDY AREAS

Study Area "A"

Area "A" is located north of Maggie Valley along Rich Cove Road and consists of residential and governmental development. Following is the specific location of the study area.

BEGINNING at a point on the present city limit line; said point being approximately 1,200 feet downstream from the center of the bridge at Rich Cove Road; thence running from said point in northwest direction approximately 800 feet in a straight line to a point; said point being in the center line of unnamed private road approximately 850 feet east of intersection with Rich Cove Road; thence continuing in a northern direction with center line of unnamed road approximately 400 feet to point of termination; thence running from said point of termination approximately 1,200 feet in a straight line; said line running in a northwestward direction to a point; said point being at the intersection of said straight line and Rich Cove Road and lying approximately 4,100 feet north of intersection of Rich Cove Road and Highway 19; thence, running from said point with centerline of Rich Cove Road approximately 400 feet to the point of intersection of Rich Cove Road and a private driveway; thence running with northern margin of private driveway approximately 450 feet to a point; thence running from said point in northwest direction approximately 250 feet to a point; said point being at the intersection of said line and terminus of unnamed road; thence

running from said point 1,150 feet to the water storage tank, thence running in a southerly direction approximately 720 feet to a point on the existing corporate limits; thence following corporate limits in a easterly direction to the BEGINNING.

Area "A" meets the prescribed statutory standards as set forth in General Statutes 160A-36 for Annexation by Ordinance of Areas Meeting Statutory Standards.

1. Area "A" is adjacent and contiguous to the existing corporate limits of Maggie Valley. (Map 1).
2. The total external boundary of Area "A" is 7,200 feet. Of this total, 1,760 feet (or 24.44 percent) coincides with the existing corporate limits.
3. No part of Area "A" is within the boundary of another incorporated municipality.
4. Area "A" is developed for urban purposes as follows:
 - a. The area contains thirty-one (31) lots or tracts, twenty-six (26) (or 83.87 percent) of which are used for residential, commercial, industrial, institutional or governmental purposes.
 - b. The area contains 64.07 total acres. Of this total, 44.77 acres (or 69.87 percent) consists of lots or tracts five acres or less.

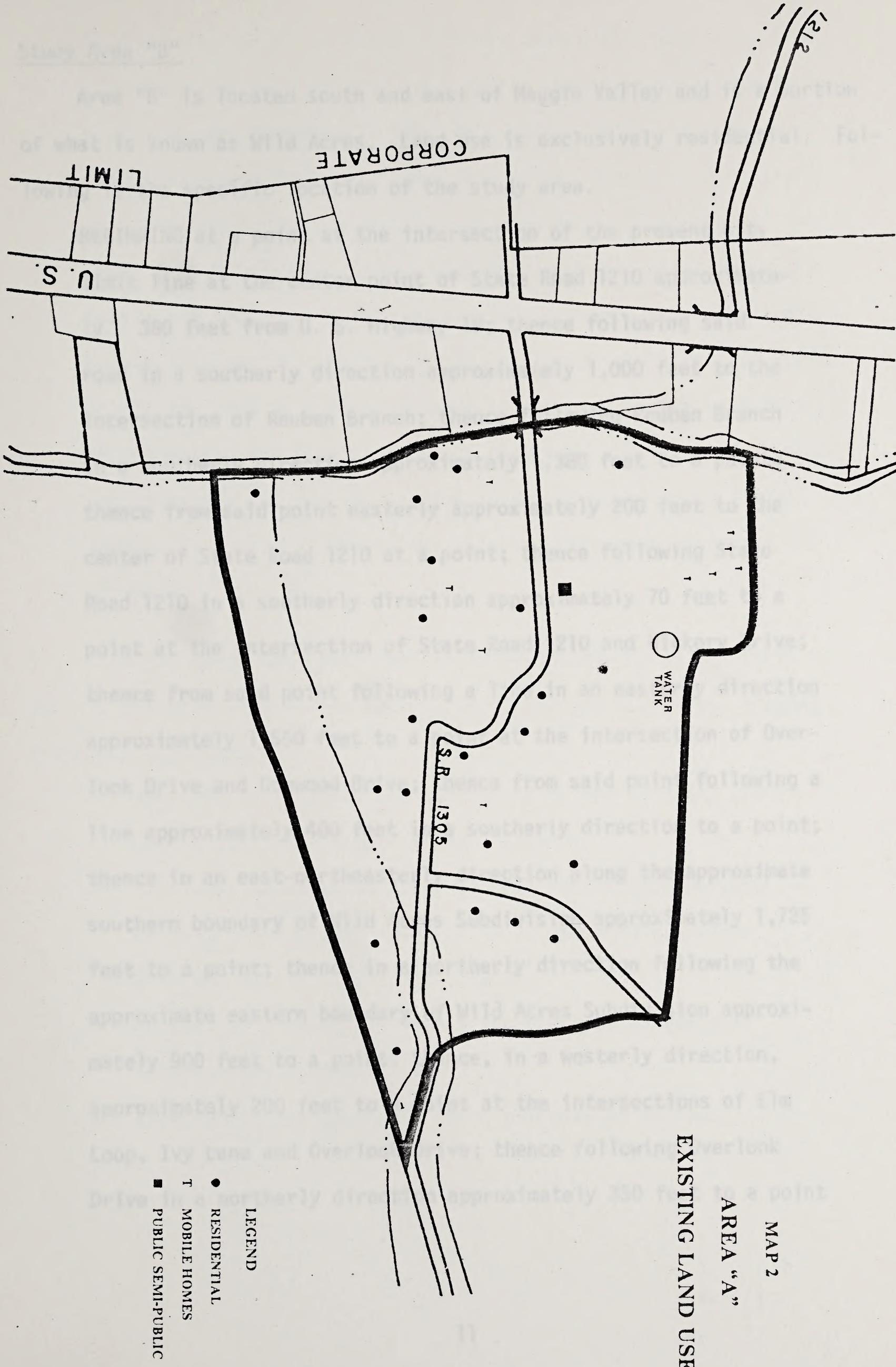
There are thirty-three (33) dwelling units, including eleven (11) mobile homes, in the area housing an estimated eighty-eight persons.* Map 2 shows existing land use in Area "A".

*All population estimates found by calculating number of dwelling units times persons per household for Ivey Hill Township.

MAP 2

AREA "A"

EXISTING LAND USE



Study Area "B"

Area "B" is located south and east of Maggie Valley and is a portion of what is known as Wild Acres. Land use is exclusively residential. Following is the specific location of the study area.

BEGINNING at a point at the intersection of the present city limit line at the center point of State Road 1210 approximately 380 feet from U. S. Highway 19; thence following said road in a southerly direction approximately 1,000 feet to the intersection of Reuben Branch; thence following Reuben Branch in a southerly direction approximately 1,380 feet to a point; thence from said point easterly approximately 200 feet to the center of State Road 1210 at a point; thence following State Road 1210 in a southerly direction approximately 70 feet to a point at the intersection of State Road 1210 and Hickory Drive; thence from said point following a line in an easterly direction approximately 1,550 feet to a point at the intersection of Overlook Drive and Dogwood Drive; thence from said point following a line approximately 400 feet in a southerly direction to a point; thence in an east-northeasterly direction along the approximate southern boundary of Wild Acres Subdivision approximately 1,725 feet to a point; thence in a northerly direction following the approximate eastern boundary of Wild Acres Subdivision approximately 900 feet to a point; thence, in a westerly direction, approximately 200 feet to a point at the intersections of Elm Loop, Ivy Lane and Overlook Drive; thence following Overlook Drive in a northerly direction approximately 350 feet to a point

at the intersection of Dogwood Drive; thence in a westerly direction approximately 250 feet to a point; thence in a northwesterly direction approximately 80 feet to a point; thence in a westerly direction approximately 60 feet to a point; thence in a southerly direction approximately 150 feet to a point at the center of Laurel Loop; thence following Laurel Loop in a westerly direction approximately 175 feet to a point; thence in a westerly direction approximately 150 feet to a point; thence in a northerly direction approximately 850 feet to a point; thence in a northeasterly direction approximately 200 feet to a point; thence in a westerly direction approximately 100 feet to a point on existing corporate limits; thence in a westerly direction following corporate limits to the BEGINNING.

Area "B" meets the prescribed statutory standards as set forth in General Statutes 160A-36 for Annexation by Ordinance of Areas Meeting Statutory Standards.

1. Area "B" is adjacent and contiguous to the existing corporate limits of Maggie Valley. (Map 1).
2. The total external boundary of Area "B" is 11,920 feet. Of this total, 2,280 feet (or 19.12 percent) coincides with the existing corporate limits.
3. No part of Area "B" is within the boundary of another incorporated municipality.
4. Area "B" is developed for urban purposes as follows:

- a. The area contains 188 lots or tracts, 115 (or 61.17 percent) of which are used for residential purposes.
- b. The area contains 153.15 total acres. Of this total, 128.42 acres (or 83.85 percent) consists of lots or tracts five acres or less.

There are 115 dwelling units, including 13 mobile homes, in the area housing an estimated 340 persons. Map 3 shows existing land use in Area "B".

EXISTING LAND USE AREA "B"

- RESIDENTIAL
- MOBILE HOMES



Study Area "C"

Area "C" is located south of Maggie Valley along Twin Brook Road and consists of residential and commercial development. Following is the specific location of the study area.

BEGINNING at a point at the intersection of the corporate limits and Twin Brook Road; thence in a westerly direction following corporate limits approximately 300 feet to a point; thence in a southerly direction approximately 450 feet to a point; thence in a westerly direction approximately 175 feet to a point; thence in a southerly direction approximately 850 feet to a point; thence in an easterly direction approximately 125 feet to a point at the intersection of unnamed road; thence along said road in a southerly direction approximately 75 feet to a point at the intersection of unnamed road; thence following unnamed road in an easterly direction approximately 175 feet and crossing Twin Brook Road and continuing approximately 300 feet to a point; thence in a southerly direction approximately 250 feet to a point at unnamed creek; thence in a northerly direction approximately 1,750 feet to a point on the existing corporate limits; thence in a westerly direction to the BEGINNING.

Area "C" meets the prescribed statutory standards as set forth in General Statutes 160A-36 for Annexation by Ordinance for Areas Meeting Statutory Standards.

1. Area "C" is adjacent and contiguous to the existing corporate limits of Maggie Valley. (Map 1).

2. The total external boundary of Area "C" is 4,320 feet. Of this total, 600 feet (or 13.88 percent) coincides with the existing corporate limits.
3. No part of Area "C" is within the boundary of another incorporated municipality.
4. Area "C" is developed for urban purposes as follows:
 - a. The area contains 24 lots or tracts, 19 (or 79.16 percent) of which are used for residential, commercial, industrial, institutional or governmental purposes.
 - b. The area contains 26.82 total acres. Of this total, 23.74 acres (or 100 percent) consists of lots or tracts five acres or less for residential uses.

There are 23 dwelling units, including three mobile homes, in the area housing an estimated 61 persons. Map 4 shows existing land use in Area "C".

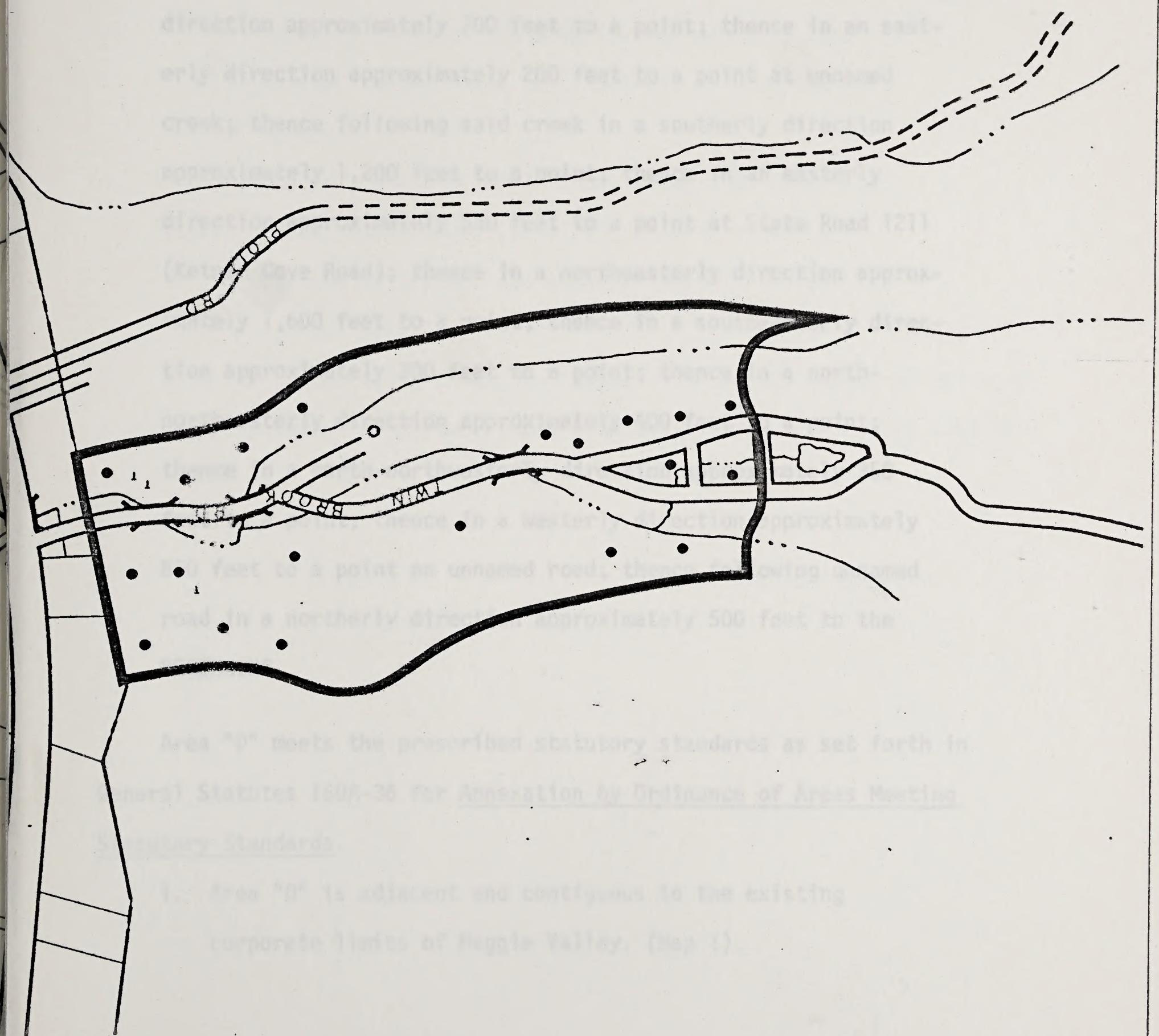
MAP 4

AREA "C"

EXISTING LAND USE

LEGEND

- RESIDENTIAL
- MOBILE HOMES
- COMMERCIAL



Study Area "D"

Area "D" is located south of Maggie Valley along Ketner Cove Road and consists of residential and commercial development. Following is the specific location of the study area.

BEGINNING at a point on the corporate limits at the intersection of unnamed road; thence in a westerly direction along corporate limits approximately 650 feet to a point; thence in a southerly direction approximately 700 feet to a point; thence in an easterly direction approximately 200 feet to a point at unnamed creek; thence following said creek in a southerly direction approximately 1,200 feet to a point; thence in an easterly direction approximately 550 feet to a point at State Road 1211 (Ketner Cove Road); thence in a northeasterly direction approximately 1,600 feet to a point; thence in a southeasterly direction approximately 300 feet to a point; thence in a north-northeasterly direction approximately 400 feet to a point; thence in a north-northwesterly direction approximately 350 feet to a point; thence in a westerly direction approximately 800 feet to a point on unnamed road; thence following unnamed road in a northerly direction approximately 500 feet to the BEGINNING.

Area "D" meets the prescribed statutory standards as set forth in General Statutes 160A-36 for Annexation by Ordinance of Areas Meeting Statutory Standards.

1. Area "D" is adjacent and contiguous to the existing corporate limits of Maggie Valley. (Map 1).

2. The total external boundary of Area "D" is 6,680 feet.

Of this total, 880 feet (or 13.17 percent) coincides with the existing corporate limits.

3. No part of Area "D" is within the boundary of another incorporated municipality.

4. Area "D" is developed for urban purposes as follows:

a. The area contains 20 lots or tracts, 17 (or 85 percent) of which are used for residential, commercial, industrial, institutional or governmental purposes.

b. The area contains 42.38 total acres. Of this total, 24.48 acres (or 77.39 percent) consists of lots or tracts five acres or less for residential uses.

There are 25 dwelling units, including four mobile homes, in the area housing an estimated 67 persons. Map 5 shows existing land use in Area "D".

MAP 5

AREA "D"

EXISTING LAND USE

LEGEND
● RESIDENTIAL
■ MOBILE HOMES
○ COMMERCIAL



CHAPTER III

SERVICES AND FINANCING

It is the intent of the Town of Maggie Valley to provide services to newly annexed areas on substantially the same basis and in the same manner as now provided to the residents of the Town. These services include police protection and street lighting.

Police Protection

Police protection is currently provided by two full-time officers. The two officers work variable shifts with between 10 and 16 hours coverage each day with the remaining hours on an on-call basis under a cooperative arrangement with the Haywood County Sheriff's Department. Services include traffic control and accident and criminal investigation.

Partial police protection is currently being provided to Study Areas "A", "B", "C" and "D". Since no additional patrol area will be required, no additional cost would be incurred by the Town.

Street Lighting

Street lights are provided by the Town within the corporate limits, spaced as needed with an average interval of 400 feet. Due to the intense commercial nature of the Town, street lights are necessary at smaller intervals. The proposed areas of annexation are residential in nature and therefore will not require the smaller intervals. Street lights are provided to the Town by Carolina Power and Light Company and by Haywood Electric Membership Corporation. The latter provides only two lights at the extreme western end of Maggie Valley at a rate of \$16.00 per month. Carolina Power and Light Company provides the lights, installation and maintenance, with the Town paying the cost of electri-

fication. All of the areas proposed for annexation would be served by Carolina Power and Light Company. These costs will be financed from property tax revenues.

Fire Protection

The Town provides no fire protection services. Fire protection is provided by the Maggie Valley Volunteer Fire Department.

Garbage Collection and Disposal

The Town provides no garbage or trash collection services. These services are provided by private companies to individuals and businesses.

Street Maintenance

The Town provides .25 miles of street maintenance services. All other roads and streets within the Maggie Valley corporate limits are on the State road system. The majority of roads lying in the areas of proposed annexation are either already on the State road system or are private and wish to remain so.

Water System

The Town provides no water to the citizenry. Water is provided by the Maggie Valley Sanitary District. Water service already exists to all areas of proposed annexation.

Sewer System

The Town provides no sewer services. Sewage disposal, at present, is handled by either septic tanks or outdoor privies. However, plans for a sewage treatment system are proposed for the near future.

CHAPTER IV

COST/REVENUE ESTIMATES

Estimates of costs and revenues for each of the four study areas were calculated and are presented in Table 1. These estimates will be of great benefit to the Town's officials in determining whether or not annexation of a particular study area should be implemented. The figures presented are estimates based on current, available data and the present character of each study area.

Revenue Estimates

Estimates of revenues which Maggie Valley can expect from annexation were derived from a land use survey analysis, the Town's annual budget, information from State agencies, and the Haywood County Tax Supervisor's Office. All estimates are computed on an annual basis and represent revenues that can be collected from each area as they are currently developed.

Let it be noted that some of the newest houses have not been appraised and added to the Haywood County tax rolls. To compensate for these unavoidable omissions, conservative estimates were calculated based on average assessed value for that study area.

Sources of revenue for the Town of Maggie Valley are as follows:

1. Property Tax (Real and Personal Property)

The ad valorem tax is one of the primary sources of revenue for municipalities. The FY 80-81 property tax rate in Maggie Valley is 35¢ per \$100 assessed property value.

Haywood County is currently in the process of implementing a countywide tax mapping program. However, the study areas in this report have not yet been mapped. Therefore, property assessment for each area were obtained in the following manner:

- a. Residential Property Assessments - The names of property owners were obtained through mail boxes, from the tax listings at the County Tax Supervisor's office, real and personal property assessments were obtained from all available property owners' names by study area. From the list of names an average residential real and personal property assessment was obtained for each homogeneous section of each study area and the average for each section was then applied to the remaining residences in that particular section of a study area. Through this process an estimated total real and personal residential property assessment was obtained for each of the three study areas. Mobile homes without permanent foundations are taxed as personal property and in each study area were estimated at an average value of \$5,000 each. It should be noted that the values for mobile homes will decrease each year since mobile homes depreciate with age.
- b. Commercial and Industrial Property Assessments - The actual value of commercial and industrial real and personal property were obtained from the Tax Supervisor's office.
- c. Vacant Tracts - The Haywood County Tax Assessor provided assistance in the development of assessed values of vacant tracts of land within each study area.

Once the assessed value was determined, the estimated property tax intake was made by the following method:

ASSESSED VALUE X .35/\$100 TAX RATE X 84.0 RATE OF COLLECTION =

ESTIMATED TAX INTAKE

2. Sales Tax

Haywood County levies a one percent sales tax ("piggy back" on the State's) that is collected and distributed by the State. In Haywood County, these funds are allocated to municipalities on the basis of annual population estimates prepared by the Office of State Planning. During the 1980-81 fiscal year, Maggie Valley anticipates revenues from sales tax to total approximately \$8,500.00 or \$18.36 per capita.

3. Powell Bill Funds

The State collects a tax on every gallon of motor fuel sold in the State. From this tax, one cent on each gallon is allocated for and distributed back to the municipalities. The municipalities share three-fourths of a cent based on "Population Estimates for Local Governmental Tax Distribution" calculated annually by the Office of State Planning, and one-fourth cent based on mileage of Town maintained streets. The current allocation is \$9.05 per capita and \$669.17 per mile.

4. Intangible Tax

The State collects an intangible tax on such personal property as cash, stocks and bonds, and returns 90 to 95 percent of these funds to the counties and municipalities on the basis of population. The funds are in turn distributed among the county and its municipalities according to the latest levy of ad valorem taxes. Maggie Valley received \$645 in intangible tax refunds for fiscal year 1980-81.

5. Franchise Tax

Franchise taxes are collected by the State from such public service companies as gas, telephone, light and power, bus, water and sewer. Municipalities receive from the State three percent of the total gross receipts derived from the sale of commodities within the municipality. During the 1979-80 fiscal year Maggie Valley received \$6,583.41 in franchise tax revenue.

6. Privilege Tax

Privilege license taxes are collected yearly and make up a small portion of municipal revenues for Maggie Valley.

Cost Estimates

1. Police Protection

Police protection will continue to be provided by the Maggie Valley Police Department. The Town employs two full time officers and anticipates no need for additional personnel due to annexation. The Town also has a working agreement with the Sheriff's Department to provide after hours protection. Since the study areas are currently being provided partial police protection, no additional costs are anticipated.

2. Fire Protection

Fire protection will continue to be provided by the Maggie Valley Volunteer Fire Department at no additional cost to the Town.

3. Street Maintenance

Cost of maintaining streets by the Town would be minimal and adequately covered by Powell Bill monies. Rich Cove, Ketner Cove and part of Wild Acres are all on the State road system.

4. Street Lights

Street lighting cost estimates are based upon placing street lights at intersections and at approximate 500 foot intervals. The monthly charge per light is approximately \$10.

	Population	Katmai Cove	Area 9	Total
Per Capita Property Tax	\$1,000	\$13,613	\$2,375	\$15,988
Sales Tax	2,000	7,820	1,409	9,239
General Fund	706	3,077	592	3,669
Intangible Tax	33	392	53	76
Transient Tax	510	4,033	863	4,896
Total Revenue	\$5,000	\$28,825	\$4,635	\$33,460
 Estimated Total Costs				
Police Protection	0	0	0	0
Fire Protection	0	0	0	0
Street Maintenance	0	3,500	0	3,500
Street Lights	600	3,240	520	3,760
Total Costs	\$6,600	\$6,740	\$520	\$6,860

*Estimated only by population.

TABLE 1
ESTIMATED REVENUES AND COSTS

<u>Estimated Annual Revenues</u>	<u>Rich Cove Area A</u>	<u>Wild Acres Area B</u>	<u>Twin Brooks Area C</u>	<u>Ketner Cove Area D</u>	<u>Total</u>
Ad Valorem (property) tax	\$1,709	\$13,513	\$2,175	\$5,833	\$20,174
Sales Tax	2,032	7,820	1,409	1,547	12,808
Powell Bill*	796	3,077	552	606	5,031
Intangible Tax	33	382	53	74	542
Franchise Tax	<u>510</u>	<u>4,033</u>	<u>649</u>	<u>829</u>	<u>6,021</u>
Total Revenues	\$5,080	\$28,825	\$4,838	\$5,833	\$44,576
 <u>Estimated Annual Costs</u>					
Police Protection	0	0	0	0	0
Fire Protection	0	0	0	0	0
Street Maintenance	0	1,500	0	0	1,500
Street Lights	<u>600</u>	<u>3,240</u>	<u>520</u>	<u>520</u>	<u>4,880</u>
Total Costs	\$600	\$4,740	\$520	\$520	\$6,380

*Estimated only by population.

APPENDIX 1

PROCEDURE FOR ANNEXATION
Under G.S. 160A, Article 4A, Part 2

1. Resolution of Intent. The governing body first adopts a resolution stating the intent of Maggie Valley to consider the annexation(s). The resolution must describe the boundaries of the proposed area(s) and fix a date for a public hearing to be held between thirty (30) and sixty (60) days following the date of adoption of the resolution.
2. Notice of Public Hearing. The notice of public hearing must fix the date, hour, and place of the hearing; describe the boundaries of the area(s) to be annexed; and state that the annexation report will be available at the clerk's office at least fourteen (14) days prior to the hearing. The notice must be published in a newspaper having general circulation in Maggie Valley once a week for a least four (4) successive weeks prior to the public hearing. The period from the date of the first publication to the date of the last publication, both dates inclusive, must not be less than twenty-two (22) days including Sundays. The date of the last publication must be within seven (7) days preceding the date of the public hearing.
3. Approval of the Annexation Report. The governing body must approve the annexation report at least fourteen (14) days prior to the public hearing and make the report available to the public at the clerk's office. Approval of the report should be recorded in the minutes of the governing body.

4. Public Hearing. At the public hearing, a representative of Maggie Valley must explain the report of service plans. All residents or property owners in the area(s) and all residents of Maggie Valley must be given an opportunity to be heard. After considering all comments, the governing body may amend the report as long as the changes meet statutory requirements.
5. Adoption. At a regular or special meeting held no earlier than seven (7) days and no later than sixty (60) days following the public hearing, the governing body may adopt an ordinance extending the corporate limits.
6. Notice of Adoption of Ordinance. Although not required by law, it is recommended that notice be published of the adoption of the annexation ordinance.

A RESOLUTION STATING THE INTENT OF THE (CITY)(TOWN)
OF _____, TO CONSIDER ANNEXATION OF THE AREA
DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION

BE IT RESOLVED by the (name of governing body) of the (City)(Town) of

:

Section 1. That it is the intent of the (name of governing body) of the (City)(Town) of _____, to consider annexation of the following described territory pursuant to Part 2, Article 4A of Chapter 160A of the General Statutes of North Carolina:

(Insert Metes and Bounds Description)

Section 2. That a public hearing on the question of annexing the above described territory will be held at (place of hearing) at ____ o'clock, ____ .m., on the _____ day of _____, 19____, at which time plans for extending services to said territory will be explained and all residents of the (City)(Town) of _____ will be given an opportunity to be heard.

Section 3. That a report of plans for extending services to the above described territory be made available for public inspection at the office of the (City)(Town) Clerk at least fourteen (14) days prior to the date of said public hearing.

Section 4. That notice of said public hearing shall be given by (publication)(posting) as required by law.

Adopted this _____ day of _____, 19____.

Signed _____

Mayor

Attest:

Clerk

NOTICE OF PUBLIC HEARING ON QUESTIONS OF ANNEXATION

The public will take notice that the (name of governing body) of the (City)(Town) of _____ will hold a public hearing at (place of hearing) at _____ o'clock, _____.m., on the _____ day of _____, 19_____, on the question of annexation of the territory described below, pursuant to Part 2, Article 4A, Chapter 160A of the General Statutes of North Carolina, at which time the plans for extending municipal services to said territory will be explained and all persons resident or owning property in said territory and all residents of the (City)(Town) of _____, will be given an opportunity to be heard.

The report of plans for extending services to said territory will be available for public inspection at the office of the (City)(Town) Clerk at least fourteen (14) days prior to the date of said public hearing. (In addition, summaries of the full report will be available for public distribution.)¹

The area to be considered for annexation is described as follows:

(Insert Metes and Bounds Description)

Signed _____
(City)(Town) Clerk

¹To be used if appropriate.

EXCERPT FOR RECORDING APPROVAL IN MINUTES

"After examination and discussion of the report of plans for extending services to the area to be considered for annexation under Resolution No. _____, adopted the _____ day of _____, 19_____, Mr(s). _____ moved approval of the report, seconded by Mr(s). _____ and passed, _____ votes to _____."

"WHEREAS, the (name of governing body) has taken into full consideration the statements presented at the public hearing held on the _____ day of _____ 19_____, on the question of this annexation; and

"WHEREAS, the (name of governing body) has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the (City)(Town) of _____;

NOW, THEREFORE, it is ordained by the (name of governing body) of the (City)(Town) of _____:

Section 1. That from and after the _____ day of _____, 19_____, the effective date of this annexation, the following territory shall be annexed to and become a part of the (City)(Town) of _____, and the corporate limits of the (City)(Town) of _____ shall on said _____ day of _____, 19_____, be extended to include said territory more particularly described by notes and bounds as follows:

(Insert Notes and Bounds Description)

Section 2. That the (name of governing body) does hereby specifically find and declare that the above described territory meets the requirements of U.S.C. 1408-3a, in that:

SET FORTH IN DETAIL STATEMENTS SHOWING HOW AREA ACTUALLY MEETS THE STANDING STANDARDS. THIS SECTION MAY REITERATE THE CORRESPONDING STATEMENT IN THE REPORT OF PLANS FOR SERVICES.

Section 3. That it is the purpose and intent of the (City)(Town) of _____ to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the (name of governing body) on the _____ day of _____, 19_____, and filed in the office of the Clerk for public inspection.

ALTHOUGH THE FOREGOING MAY SATISFY THE STATUTORY REQUIREMENT, IT IS RECOMMENDED THAT THE PLANS FOR SERVICES BE SET FORTH IN THIS SECTION IN DETAIL, IN SUBSTANTIALLY THE SAME LANGUAGE AS IN THE REPORT, UNLESS AS MAY BE APPROPRIATE.

Section 4. That the (name of governing body) does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, the (City)(Town) of _____ will have sufficient funds

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
(CITY)(TOWN) OF _____, UNDER THE AUTHORITY
GRANTED BY PART 2, ARTICLE 4A, CHAPTER 160A OF THE
GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part (2), Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the (name of governing body) has taken into full consideration the statements presented at the public hearing held on the _____ day of _____, 19_____, on the question of this annexation; and

WHEREAS, the (name of governing body) has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the (City)(Town) of _____:

NOW, THEREFORE, BE IT ORDAINED by the (name of governing body) of the (City)(Town) of _____:

Section 1. That from and after the _____ day of _____, 19_____, the effective date of this annexation, the following territory shall be annexed to and become a part of the (City)(Town) of _____, and the corporate limits of the (City)(Town) of _____ shall on said _____ day of _____, 19_____, be extended to include said territory more particularly described by metes and bounds as follows:

(Insert Metes and Bounds Description)

Section 2. That the (name of governing body) does hereby specifically find and declare that the above described territory meets the requirements of G.S. 160A-36, in that:

SET FORTH IN DETAIL STATEMENTS SHOWING HOW AREA ACTUALLY MEETS THE STATUTORY STANDARDS. THIS SECTION MAY REITERATE THE CORRESPONDING STATEMENT IN THE REPORT OF PLANS FOR SERVICES.

Section 3. That it is the purpose and intent of the (City)(Town) of _____, to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the (name of governing body) on the _____ day of _____, 19_____, and filed in the office of the Clerk for public inspection.

ALTHOUGH THE FOREGOING MAY SATISFY THE STATUTORY REQUIREMENT, IT IS RECOMMENDED THAT THE PLANS FOR SERVICES BE SET FORTH IN THIS SECTION IN DETAIL, IN SUBSTANTIALLY THE SAME LANGUAGE AS IN THE REPORT, INSOFAR AS MAY BE APPROPRIATE.

Section 4. That the (name of governing body) does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, the (City)(Town) of _____ will have sufficient funds

appropriated in the amount of \$ _____, to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic sewer and water system of the (City)(Town) of _____ into the area to be annexed under this ordinance.

NOTE: If bonds must be issued, the bond authorization is equivalent to an appropriation. However, if bonds are authorized, it is recommended that such be stated in this section.

Section 5. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the (City)(Town) of _____, and shall be entitled to the same privileges and benefits as other parts of the (City)(Town).

Section 6. That the newly annexed territory described hereinabove shall be subject to (City)(Town) taxes according to G.S. 160A-37(f), as amended.

Section 7. That the Mayor of the (City)(Town) of _____ shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the Register of Deeds of _____ County, and in the office of the Secretary of State at Raleigh.

*Section 8. That notice of the adoption of this ordinance shall be published once in a newspaper having general circulation in the (City)(Town) of _____.

Adopted this _____ day of _____, 19 _____.

Signed _____
Mayor

Attest:

Clerk

*Optional.

NOTICE OF ADOPTION OF ANNEXATION ORDINANCE*

The public will take notice that the (name of governing body) of the (City)
(Town) of _____ adopted an ordinance pursuant to Part (2),
Article 4A, Chapter 160A of the General Statutes of North Carolina, annexing
as of the _____ day of _____, 19____, the territory described
below.

Said ordinance was adopted on the _____ day of _____, 19____,
and within thirty (30) days from said date, any person owning property in said
territory who shall believe that he will suffer material injury by reason of any
failure of the (name of governing body) to comply with the procedure or require-
ments prescribed by Part (2), Article 4A, Chapter 160A of the General Statutes
of North Carolina, may file a petition in the Superior Court of _____
County, seeking review of the action of the (name of governing body).

The territory annexed under said ordinance is more particularly described
as follows:

(Insert Metes and Bounds Description)

Signed _____
(City)(Town) Clerk

*Optional.

